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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,488	03/27/2007	Takumi Arie	S1459.70115US00	2387
23628 7590 03/12/2009 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
LEIBY, CHRISTOPHER E				
ART UNIT		PAPER NUMBER		
2629				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/580,488

**Applicant(s)**

ARIE ET AL.

**Examiner**

CHRISTOPHER E. LEIBY

**Art Unit**

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

1. **Claims 1-6** are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1 and 6** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly amended subject matter as disclosed reads "...wherein the first duration of time and the second duration of time are at least partially coincident." The only disclosure relating towards duration repetitively states that the duration is a time period not shorter than a predetermined duration. There is no disclosure regarding that the first and second durations are partially coincident nor is there any disclosure which would suggest or enable one skilled in the art at the time of the invention at such. Therefore the new matter is removed from the claims and of the rejection below. Accordingly since the new matter encompasses all of the newly amended subject matter the rejection remains similar to that filed on September 4<sup>th</sup>, 2008.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 5, and 6** are rejected under 35 U.S.C. 102(b) as being anticipated by **Aoyanagi** (JP Patent 406083296).

Regarding **independent claims 1 and 6**, Aoyanagi discloses An information providing apparatus and method comprising: image display means mounted on a mobile object (*reference [industrial application] wherein a graphical display device is mounted in a vehicle*), presenting an image display of information which assists travel of the mobile object (*reference paragraph [0002] wherein graphical device projects navigation image to facilitate the drive*); vibration detecting means detecting vibration of not smaller than a predetermined level produced on said image display means and sending a detection output signal (*paragraph [0017] wherein the video signal displacement is subtracted from the vibration detection means so vibrations not smaller than the video signal displacement is detected*); and operation control means modifying a display mode of said information presented in the image display by said image display means (*paragraphs [0005] and [0008]*), when vibration of not smaller than said predetermined level produced on said image display means

sustains over a first duration of time not shorter than a first predetermined duration, and when output of said detection output signal from said vibration detecting means sustains over a second duration of time not shorter than a second predetermined duration (*paragraph [0008] wherein the detection means are over a duration of a first frame not smaller than a first frame and every frame thereafter wherein a second duration would be a second frame and third duration would be a third frame*).

Regarding **claim 5**, Aoyanagi discloses an information providing apparatus, wherein: said mobile object is a vehicle (*paragraph [0001] reference vehicle*), and said image display means is configured so as to present image display of a road map image having a current position of said vehicle and an image expressing a travel route superposed therein, as said information (*paragraph [0002] reference navigation image*).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aoyanagi** as applied to claim 1 above, in view of **Chene et al.** (EP Patent Application 1207072), herein after referred to as Chene.

Regarding **claim 2**, Aoyanagi discloses an information providing apparatus, wherein said operation control means takes part in a control of negating vibrations of a display screen on which said information is presented as-  
an in the image display in said image display means, when output of the detection output signal from said vibration detecting means sustains over a third duration of time not shorter than a third predetermined duration (*paragraphs [0005] and [0008] refer to rejection of claims 1 and 6*).

Aoyanagi does not specifically disclose to increase luminance over the third duration of vibration.

Chene does disclose increasing luminance to further facilitate viewing of a display for a driver in a vibration environment (*abstract and paragraph [0009]*).

It would have been obvious to one skilled in the art at the time of the invention to combine Aoyanagi's device with Chene increasing luminance over the third period since this would indicate a prolonged exposure of vibration to the device and further means to increase the view ability of the screen would be warranted.

Regarding **claim 3**, Aoyanagi discloses an information providing apparatus, wherein said operation control means takes part in a control of negating vibrations of a display screen on which said information is presented as-  
an in the image display in said image display means, when output of the detection output signal from said vibration detecting means sustains over a third

duration of time not shorter than a third predetermined duration (*paragraphs [0005] and [0008] refer to rejection of claims 1 and 6*).

Aoyanagi does not specifically disclose to enlarging images corresponded to mark information and character information contained in said information over the third duration of vibration.

Chene does disclose enlarging images corresponded to mark information and character information contained in said information to further facilitate viewing of a display for a driver in a vibration environment (*abstract and paragraph [00010]*).

It would have been obvious to one skilled in the art at the time of the invention to combine Aoyanagi's device with Chene enlarging images over the third period since this would indicate a prolonged exposure of vibration to the device and further means to increase the view ability of the screen would be warranted.

Regarding **claim 4**, Aoyanagi discloses an information providing apparatus, wherein said operation control means takes part in a control of negating vibrations of a display screen on which said information is presented as-  
an in the image display in said image display means, when output of the detection output signal from said vibration detecting means sustains over a third duration of time not shorter than a third predetermined duration (*paragraphs [0005] and [0008] refer to rejection of claims 1 and 6*).

Aoyanagi does not specifically disclose to increasing difference in contrast between an image of high importance and an image of low importance contained in said information over the third duration of vibration.

Chene does disclose increasing difference in contrast between an image of high importance and an image of low importance contained in said information to further facilitate viewing of a display for a driver in a vibration environment (*abstract reference contrast may be adjusted to provide maximum readability which is a difference in contrast between that of what needs to be read high importance over that which either cannot be read or does not need to be read low importance*).

It would have been obvious to one skilled in the art at the time of the invention to combine Aoyanagi's device with Chene enlarging images over the third period since this would indicate a prolonged exposure of vibration to the device and further means to increase the view ability of the screen would be warranted.

### ***Response to Arguments***

8. Applicant's arguments filed 12/3/2008 have been considered but are moot in view of U.S.C. 112 first paragraph. Applicant stated "without acceding to the propriety of the rejection, each of the independent claims 1 and 6 is amended herein to even more clearly distinguish over Aoyanagi." There were not any arguments regarding subject matter that was not amended. Since the newly



amended subject matter is considered **new matter** this office action is made final since the previous rejection is maintained.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER E. LEIBY whose telephone number is (571)270-3142. The examiner can normally be reached on 9 - 5 Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

March 9<sup>th</sup>, 2009

/Regina Liang/

Primary Examiner, Art Unit 2629